



**IT IS ORDERED as set forth below:**

**Date: March 6, 2018**

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**Paul W. Bonapfel**  
**U.S. Bankruptcy Court Judge**

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:	
<b>JOHN FRANCIS DOWALGO, II,</b>  Debtor.	HONORABLE PAUL W. BONAPFEL  CASE NO. 17-40254-PWB
DITECH FINANCIAL LLC,  Movant,  v.  JOHN FRANCIS DOWALGO, II, Debtor, and MARY IDA TOWNSON, Trustee,  Respondents.	CONTESTED MATTER IN A CHAPTER 13 PROCEEDING

**CONSENT ORDER ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

This matter comes before the Court on the Motion for Relief from Automatic Stay filed by Ditech Financial LLC, on November 24, 2017, and having been scheduled for a hearing on April

4, 2018, regarding real property now or formerly known as 339 Maple View Court, Dallas, Georgia 30157 (hereinafter referred to as the "Property") and the parties herein having reached an agreement.

The parties herein are in agreement that Debtor shall cure the December 1, 2017 through February 1, 2018 mortgage payment arrears in the amount of \$4,131.06 and attorneys' fees and cost of \$1,031.00, totaling \$5,162.06, over the next nine (9) months. Debtor will be required to timely pay regular mortgage payments beginning March 1, 2018 for nine (9) consecutive months.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

Debtor shall make eight (8) consecutive monthly payments in the amount of \$573.57 each, beginning March 15, 2018 through October 15, 2018, with a final payment in the amount of \$573.50 on November 15, 2018, to cure the mortgage payment arrears of \$4,131.06 and attorneys' fees and cost of \$1,031.00.

Debtor shall be required, beginning March 1, 2018, to pay regular monthly mortgage payments. Payment shall be governed by a Strict Compliance Clause as outlined herein below and said Clause shall remain in effect for nine (9) consecutive months.

Upon failure by Debtor to timely remit regular monthly mortgage payments or monthly cure payments to Movant when due, the Automatic Stay may be modified as to the Property subject to the following conditions and allow Movant to proceed to foreclose or otherwise dispose of the Property or take action including exercising its state law remedies including, but not limited to, dispossessory proceedings, or to take any action which is necessary in order for Movant to recover upon its secured claim to the Property.

Upon failure by Debtor to timely remit regular monthly mortgage payments or monthly cure payments to Movant as provided herein, and upon notice of default sent by first class mail to

Debtor and Debtor's attorney at the address indicated on the attached distribution list, and failure by Debtor to cure the default within 10 days of such notice, Movant may file a motion and affidavit of default with the Court, with service upon Debtor and Debtor's attorney, and the Court may enter an Order modifying the automatic stay, waiving the 14-Day Stay of Bankruptcy Rule 4001(a)(3), without further notice or hearing. In the event an Order modifying the automatic stay is entered, Trustee is to cease funding any pre-petition arrearage claim.

Any excess proceeds derived from a foreclosure sale by Movant shall be remitted to the Chapter 13 Trustee. At its option, Movant may contact Debtor via telephone or written correspondence to offer, provide or enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement including a deed in lieu as allowed by state law. The entry of this order does not absolve Debtor of the duty to file any necessary pleadings, amendments, or plan modifications that may be required with regard to such a loan modification.

**[END OF DOCUMENT]**

Prepared by:

/s/ Cristina DiGiannantonio  
Cristina DiGiannantonio  
Georgia Bar # 893510  
RAS Crane LLC  
10700 Abbott's Bridge Road, Suite 170  
Duluth, GA 30097  
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Fax: (404) 393-1425  
Email: cdigiannantonio@rascrane.com  
**Attorney for Movant**

Read and Approved by:

/s/ Shawn Eisenberg *with express permission*  
Shawn Eisenberg, Esq.  
Georgia Bar # 652875  
Slipakoff & Slomka, PC  
Overlook III - Suite 1700  
2859 Paces Ferry Road, SE  
Atlanta, GA 30339  
Telephone: (404) 800-4001  
Fax: (888) 259-6137  
Email: se@myatlalaw.com  
**Attorney for Debtor**

No Opposition:

/s/ Brandi L. Kirkland *with express permission*

Brandi L. Kirkland

Georgia Bar # 423627

Chapter 13 Trustee

Suite 2200

191 Peachtree Street, NE

Atlanta, GA 30303-1740

Telephone: (404) 525-1110

**DISTRIBUTION LIST**

John Francis Dowalgo, II  
339 Maple View  
Dallas, Georgia 30157

***Debtor's Attorney***

Howard P. Slomka, Esquire  
Slipakoff & Slomka, PC  
Overlook III - Suite 1700  
2859 Paces Ferry Road, SE  
Atlanta, Georgia 3033

***Trustee***

Mary Ida Townson  
Chapter 13 Trustee  
Suite 2200  
191 Peachtree Street, NE  
Atlanta, Georgia 30303-1740

RAS Crane LLC  
10700 Abbott's Bridge Road  
Suite 170  
Duluth, Georgia 30097

**Certificate of Notice Page 5 of 5**  
 United States Bankruptcy Court  
 Northern District of Georgia

In re:  
 John Francis Dowalgo, II  
 Debtor

Case No. 17-40254-pwb  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 113E-6

User: bennettm  
 Form ID: pdf401

Page 1 of 1  
 Total Noticed: 5

Date Rcvd: Mar 06, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 08, 2018.

db  
 +John Francis Dowalgo, II, 339 Maple View, Dallas, GA 30157-4694  
 +Howard P. Slomka, Esquire, Slipakoff & Slomka, PC, Overlook III - Suite 1700,  
 2859 Paces Ferry Road, SE, Atlanta, Georgia 30339-6213  
 +John Francis Dowalgo, II, 339 Maple View, Dallas, Georgia 30157-4694  
 +RAS Crane LLC, 10700 Abbott's Bridge Road, Suite 170, Duluth, Georgia 30097-8461  
 +Trustee, Mary Ida Townson, Chapter 13 Trustee, Suite 2200, 191 Peachtree St. NE,  
 Atlanta, Georgia 30303-1770

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 08, 2018

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 6, 2018 at the address(es) listed below:

Andrea Lynn Betts on behalf of Creditor Ditech Financial LLC abetts@rascrane.com  
 Anthony Maselli on behalf of Creditor Ditech Financial LLC amaselli@rascrane.com,  
 bkyecf@rasflaw.com/ras@ecf.courtdrive.com  
 Elizabeth H. Parrott on behalf of Creditor USAA Federal Savings Bank ehplaw1@birch.net,  
 ADVNotices@w-legal.com/lizp2@w-legal.com  
 Howard P. Slomka on behalf of Debtor John Francis Dowalgo, II se@myatllaw.com,  
 myecfcalendar@gmail.com/myatllaw@gmail.com/info@myatllaw.com/notices@nextchapterbk.com  
 Mary Ida Townson courtdailysummary@atlch13tt.com  
 Meridyth Wasserman on behalf of Creditor Ditech Financial LLC mwasserman@rasflaw.com,  
 bkyecf@rasflaw.com/ras@ecf.courtdrive.com

TOTAL: 6